

Hearing Date: Nov. 16, 2022 at 10:00 a.m.
Objection Date: Sept. 15, 2022
Reply Date: Oct. 17, 2022

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

STANDARD CHARTERED FINANCIAL
SERVICES (LUXEMBOURG) S.A. (f/k/a
AMERICAN EXPRESS FINANCIAL
SERVICES (LUXEMBOURG) S.A. and f/k/a
AMERICAN EXPRESS BANK

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 12-01565 (CGM)

**ORAL ARGUMENT
REQUESTED**

(LUXEMBOURG) S.A.), as represented by its Liquidator HANSPETER KRÄMER, HANSPETER KRÄMER, in his capacities as liquidator and representative of STANDARD CHARTERED FINANCIAL SERVICES (LUXEMBOURG) S.A., STANDARD CHARTERED BANK INTERNATIONAL (AMERICAS) LTD., f/k/a AMERICAN EXPRESS BANK INTERNATIONAL, and STANDARD CHARTERED HOLDINGS INC. (as successor in interest to STANDARD CHARTERED INTERNATIONAL (USA) LTD., f/k/a AMERICAN EXPRESS BANK LTD.),

Defendants.

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants Standard Chartered Financial Services (Luxembourg) S.A., Standard Chartered Bank International (Americas) Ltd., Standard Chartered International (USA) Ltd., and Standard Chartered Holdings Inc.’s (collectively, the “Standard Chartered Defendants”) Motion to Dismiss; the Declaration of Andrew J. Finn and the exhibits thereto; the Amended Complaint, filed May 17, 2022 by Plaintiff Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, in the above-captioned adversary proceeding (ECF No. 147) (the “Amended Complaint”); and all prior pleadings and proceedings herein, the Standard Chartered Defendants will move this Court for an order dismissing with prejudice the Amended Complaint, pursuant to Rule 12(b)(6)

of the Federal Rules of Civil Procedure, as made applicable by Rule 7012 of the Federal Rules of Bankruptcy Procedure, and for such other relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Stipulation and Order entered May 16, 2022 (ECF No. 146), all papers responsive to the Standard Chartered Defendants' Motion to Dismiss shall be served and filed no later than September 15, 2022, and all reply papers in further support of the Standard Chartered Defendants' Motion to Dismiss shall be served and filed no later than October 17, 2022.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, the Standard Chartered Defendants do not consent to the entry of final orders or judgment by this Court.

Dated: July 15, 2022
New York, New York

Respectfully Submitted,

/s/ Andrew J. Finn

Andrew J. Finn

Mark A. Makar

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Defendants*